

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kazuyoshi Inoue et al.

Examiner: Michael A. Band

Serial No.: 10/594,756

Group Art Unit: 1795

Filed: September 29, 2006

Confirmation No.: 4694

Title: INDIUM OXIDE-CERIUM OXIDE BASED SPUTTERING TARGET,
TRANSPARENT ELECTROCONDUCTIVE FILM, AND PROCESS FOR PRODUCING A
TRANSPARENT ELECTROCONDUCTIVE FILM

REPLY BRIEF

Mail Stop: APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is presented in order to address the issues raised in the Examiner's response to Applicant's arguments, as presented in the Examiner's Answer.

At page 8, item (10) the Examiner argues that there is a distinction between "general abundance of trivalent cerium" and "specific type of the abundance of positive trivalent cerium." Applicants respectfully disagree. The only type of trivalent cerium discussed is positive trivalent cerium. To the extent at the last paragraph at page 8 of the answer appears to draw a distinction between "general trivalent cerium" and "positive" trivalent cerium, this does not make sense. Applicants' discussion of the abundance of trivalent cerium clearly relates to the numerical range, as discussed at length in the Brief. The confusion in the answer is represented by the fact that the Brief appears to use the equation at the bottom of page 9 and top of page 10 to represent both "generalized" abundance of trivalent cerium, and "specific" abundance of positive trivalent cerium. It cannot be both. It is therefore again respectfully submitted that, as discussed in detail in the Brief, the relevant passages of the specification support the recitation that the abundance of trivalent cerium is represented by the equation $Ce^{3+}/Ce^{3+} + Ce^{4+}$.

The Examiner's Answer also contains a second error, in its conclusion of law in the section bridging pages 9 and 10 thereof. In this section, the Answer argues that the range for cerium/indium plus cerium of 0.005 to 0.35 is not supported by the overall range of 0.005 to 0.15. Specifically, the Answer argues that if it were true, that a broader range supports a narrow range, "Appellant's [sic] could then claim a very large range with a few examples and then pick and choose in example to form a range simply to overcome the prior art." This is respectfully submitted to be exactly the law, in the area of numerical ranges. See *In re Wertheim*, discussed at length in the Brief.

Accordingly, it is again respectfully maintained that ample basis to overcome the rejections of record exists, and the same is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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